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1 BOARD MEMBERS PRESENT

2 DONOVAN ANDERSON, CHAIRMAN

3 JAMES SHORT, BOARD MEMBER

4 MIKE SILVERSTEIN, BOARD MEMBER

5 MAFARA HOBSON, BOARD MEMBER

6 JAKE PERRY, BOARD MEMBER

7

8 ALSO PRESENT:

9 CHRISSY GEPHARDT

10 COUNTEE GILLIAM

11 KHAJORNPAT SRISUTA

12 NUTTAKORN KETTUTAT

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1 P R O C E E D I N G S

2 SHOW CAUSE HEARING

3 CHAIRPERSON ANDERSON: We now then move to  
4 our afternoon Show cause hearing, Case No. 16-CMP-  
5 00496, Imm on H, License No. 99569.

6 Will the parties please approach and  
7 identify themselves for the record, please?

8 MS. GEPHARDT: Good afternoon. I'm  
9 Chrissy Gephardt. I'm here on behalf of the Office  
10 of the Attorney General.

11 CHAIRPERSON ANDERSON: Good afternoon, Ms.  
12 Gephardt.

13 MS. GEPHARDT: Good afternoon.

14 MS. SRISUTA: Good afternoon. My name is  
15 Khajornpat Srisuta.

16 MR. SILVERSTEIN: Speak up. Is the  
17 microphone on there?

18 CHAIRPERSON ANDERSON: Push the button at  
19 the bottom. There you go.

20 MR. SILVERSTEIN: And speak up, please. I  
21 have hearing difficulty.

22 MS. SRISUTA: Hi. My name is Khajornpat

1 Srisuta. I'm the manager of the Imm on H.  
2 MR. KETTUTAT: Hi. My name is Nuttakorn  
3 Kettutat. I am the owner of Imm on H.  
4 CHAIRPERSON ANDERSON: How do you  
5 pronounce your name again, sir?  
6 MR. KETTUTAT: Nuttakorn.  
7 CHAIRPERSON ANDERSON: Okay.  
8 MR. KETTUTAT: Kettutat.  
9 CHAIRPERSON ANDERSON: Kettutat. All  
10 right. Forgive me if I --  
11 MR. KETTUTAT: It's okay.  
12 CHAIRPERSON ANDERSON: -- butcher it. But  
13 I'm going to try to try to get it perfectly. All  
14 right. Thank you.  
15 Thank you for being here this afternoon.  
16 Are there any preliminary matters in this case?  
17 MS. GEPHARDT: No, there are not. We are  
18 ready to proceed to a hearing.  
19 CHAIRPERSON ANDERSON: Does the Government  
20 wish to -- do you have any preliminary matters you  
21 want to address before we start the hearing?  
22 MR. KETTUTAT: No.

1                   CHAIRPERSON ANDERSON: No? All right.

2                   Does the Government wish to make an  
3 opening statement?

4                   MS. GEPHARDT: Just briefly. In this  
5 case, you will hear that an Alcoholic Beverage  
6 Administration -- excuse me, investigator went to  
7 Imm on H on Thursday, May the 12th at 8:15 p.m. and  
8 found that there was no at agency manager on duty.  
9 He subsequently issued them a fine. And we will  
10 prove today that that was the case.

11                  CHAIRPERSON ANDERSON: Do you wish to make  
12 an opening statement now or do you wish to wait  
13 until the government has presented his case and then  
14 make an opening statement?

15                  It's your option.

16                  MS. SRISUTA: Yeah, we can wait.

17                  CHAIRPERSON ANDERSON: Okay. Fine.

18                  Does the Government have a witness?

19                  MS. GEPHARDT: Yes. Investigator Countee  
20 Gilliam.

21                  Whereupon,

22                                   COUNTTEE GILLIAM

1 called as a witness, having been duly sworn, was  
2 examined and testified as follows:

3 CHAIRPERSON ANDERSON: Thank you. Your  
4 witness.

5 DIRECT EXAMINATION

6 BY MS. GEPHARDT:

7 Q Good afternoon, Investigator. Can you  
8 please spell your name, please?

9 A First and last?

10 Q Yes, please.

11 A All right. My first name is spelled C-O-  
12 U-N-T-E-E. My last name is spelled G-I-L-L-I-A-M.

13 Q Okay. And that's Gilliam?

14 A Yes, ma'am. Gilliam.

15 Q Okay. Great. Thank you.

16 And what is your title?

17 A ABRA Investigador.

18 Q Okay. And what -- how long have you  
19 worked for ABRA?

20 A Since July 27, 2015.

21 Q Okay. And what do you do as an  
22 investigator for ABRA?

1           A     My job -- my primary job focus is to  
2     conduct investigations and inspections of agency  
3     licensed establishments throughout the District of  
4     Columbia.

5           Q     Okay. Did you have occasion to visit Imm  
6     on H Thursday, May 12th, 2016 at approximately 8:15  
7     p.m.?

8           A     Yes, ma'am, I did.

9           Q     What was the purpose of your visit that  
10    night?

11          A     I was conducting a routine regulatory  
12    inspection.

13          Q     Okay. And when it entered the  
14    establishment, what did you do first?

15          A     Whenever I enter an establishment, the  
16    first thing I do is make contact with an employee to  
17    identify myself and ask to speak to an ABC manager  
18    or owner.

19          Q     Okay. Do you recall speaking to anyone  
20    that night?

21          A     Yes, ma'am.

22          Q     Are you familiar with -- let me ask you

1 this. How did they identify themselves?

2 A I would just lead. I'll identify myself  
3 first.

4 Q Okay.

5 A And then I ask for the ABC manager or  
6 owner.

7 Q Okay.

8 A And then whoever responds, they'll be  
9 like, we'll go get them, we don't have one here.  
10 That's how the process usually starts.

11 Q Okay. And how did this conversation go  
12 with Imm on H? What happened?

13 A Well, when I entered, I spoke to Ms.  
14 Srisuta. I can't pronounce her name. But she  
15 identified herself as a manager. And then I asked  
16 to speak to an ABC manager or an owner. And she  
17 advised me that there wasn't one present.

18 Q Okay. When you say "wasn't one present,"  
19 do you mean ABC manager or owner or both?

20 A Both.

21 Q Okay. Okay. And did she offer any  
22 explanation as to why the person was absent?



1           A     Not that I can recall.

2           Q     Okay. How long approximately did you  
3 spend on site before you left?

4           A     Probably 15 minutes, whatever my  
5 regulatory inspection says, about 8:15, probably  
6 8:30.

7           Q     Okay. So between 8:15 and 8:30, did a  
8 manager or an ABC manager or owner show up?

9           A     No, ma'am, they did not.

10          Q     Okay. And do you know at the time you  
11 visited, where they open for alcoholic beverage  
12 sales?

13          A     Yes, they was. They had patrons consuming  
14 alcoholic beverages during my visit.

15          Q     Okay.

16                MS. GEPHARDT: That's all I have. Thank  
17 you.

18                CHAIRPERSON ANDERSON: All right. Who's  
19 going to -- you're going to question him, or who's  
20 going to -- you are.

21                Do you have any questions for the  
22 investigator?

1           MR. KETTUTAT: Yes. The first thing is  
2 when they're there, the second that he come to the  
3 restaurant --

4           CHAIRPERSON ANDERSON: You're asking him a  
5 question.

6           MR. KETTUTAT: Oh.

7           CHAIRPERSON ANDERSON: So he just  
8 testified. So you can frame your comments and  
9 question to ask him about what -- do you have a copy  
10 of the report, the investigative report?

11          MR. KETTUTAT: (No audible response.)

12          CHAIRPERSON ANDERSON: Do they have a copy  
13 of the investigative report?

14          MS. GEPHARDT: This right here?

15          MS. SRISUTA: I don't have.

16          MS. GEPHARDT: You don't?

17          CHAIRPERSON ANDERSON: We'll give you a  
18 copy of the report. You've never been given a copy  
19 of this report?

20          MR. KETTUTAT: I never received it.

21          MS. SRISUTA: I never received it.

22          MS. GEPHARDT: Okay. Thank you.

1           CHAIRPERSON ANDERSON: Let's -- let me --  
2 we'll take a recess of about a couple of minutes. I  
3 want you to review -- you can read this report.  
4 Okay?

5           So we'll be in recess for 10 minutes. And  
6 Ms. Jenkins -- so we'll be in recess until 3:00.  
7 You can take an hour to read the report.

8           Ms. Gephardt, I know that you're not going  
9 to do it, but please do not ask them anything.

10           (Whereupon, a recess was taken.)

11           CHAIRPERSON ANDERSON: All right. Have  
12 you had a chance to review the report?

13           MR. KETTUTAT: Yes.

14           CHAIRPERSON ANDERSON: Are you saying that  
15 you have not seen this report before?

16           MR. KETTUTAT: Not in the paper.

17           CHAIRPERSON ANDERSON: What do you mean on  
18 the paper?

19           MR. KETTUTAT: I never seen this paper  
20 before.

21           CHAIRPERSON ANDERSON: You've never seen a  
22 paper before?

1                   How did you get notice of this hearing via  
2   that report, yes? How did you receive that?

3                   MS. SRISUTA: The officer come to the  
4   restaurant and give them to us.

5                   CHAIRPERSON ANDERSON: What are all the  
6   pages of the document?

7                   MS. SRISUTA: It's like notice of status  
8   hearing and show cause hearing. Let us know like  
9   when we have to come --

10                  CHAIRPERSON ANDERSON: Right. And that  
11   was -- nothing else was attached to that?

12                  MS. SRISUTA: Nothing else.

13                  CHAIRPERSON ANDERSON: And who got the  
14   document? Who was the person who signed for a cut?  
15   Do you know? No. I'm saying who was the person who  
16   signed when it was served in the restaurant?

17                  MS. SRISUTA: Oh, okay. It was me.

18                  CHAIRPERSON ANDERSON: You?

19                  MS. SRISUTA: Yeah.

20                  CHAIRPERSON ANDERSON: And that was the  
21   only paper you got?

22                  MS. SRISUTA: Yes.

1 CHAIRPERSON ANDERSON: Do you remember  
2 when you got it?

3 MS. SRISUTA: I don't remember.

4 CHAIRPERSON ANDERSON: All right.

5 MS. SRISUTA: Like a few months ago.

6 CHAIRPERSON ANDERSON: Our records  
7 indicated that it was served. You received the  
8 documents on December 8th, that on December 8 you  
9 received the notice and also the report. That's the  
10 reason I was asking you was that the only document,  
11 that both documents were served at the same time.

12 MS. SRISUTA: I got just this one. Yeah.

13 CHAIRPERSON ANDERSON: But have you guys  
14 had an opportunity to review the document?

15 MR. KETTUTAT: Yeah.

16 MS. SRISUTA: Yes.

17 CHAIRPERSON ANDERSON: Are you prepared --  
18 all right. Where you are now is that the  
19 investigator testified about -- to the court, and so  
20 you can have an opportunity to ask him specific  
21 questions about his testimony, so you're now -- can  
22 move forward and ask them questions.

1 MR. KETTUTAT: Okay.

2 CROSS-EXAMINATION

3 BY MR. KETTUTAT:

4 Q Hi. The day that you come in, did you ask  
5 for owner?

6 A I asked for the agency manager or the  
7 owner.

8 Q Okay. And did you see my manager in there  
9 on the day?

10 A Can you repeat that?

11 Q Did you see my manager in there on that  
12 day --

13 A Yes.

14 Q -- a big guy?

15 A Yes, I did.

16 Q You saw manager? I mean, the manager the  
17 whole license.

18 A You talking about ABC manager?

19 Q Yeah.

20 A No. There wasn't one there during the  
21 time I visited.

22 Q Okay.

1           CHAIRPERSON ANDERSON: You don't have any  
2 other questions, that's it?

3           MR. KETTUTAT: No. I feel like a  
4 different story what I heard on Monday.

5           CHAIRPERSON ANDERSON: Well, why don't you  
6 -- this is your opportunity to ask him. Ask him  
7 your -- this is your opportunity to ask him --

8           MR. KETTUTAT: Okay.

9           CHAIRPERSON ANDERSON: -- who he spoke to,  
10 but he saw if there is a difference. He testified  
11 to what happened. If you are disputing it, then  
12 this is your opportunity to question him by asking  
13 him your version of the facts.

14          MR. KETTUTAT: Okay.

15 BY MR. KETTUTAT:

16          Q     She's the manager right now, and she's my  
17 life. The day -- on that day, she say my manager  
18 was in the restaurant but you didn't want to wait  
19 for him; is that right?

20          A     Can you repeat that?

21          Q     She told me the day that you came in, my  
22 agency manager he was there in the restaurant, but

1 he like in the backside building. And you didn't  
2 want to wait for him, right?

3 A All right. Well, if I remember correctly,  
4 was that the -- what I remember is when I asked to  
5 speak to the agency manager, your manager didn't  
6 tell me that there was somebody there. She said  
7 they wasn't inside the -- they wasn't inside the  
8 establishment.

9 So at that point, when they're not inside  
10 the establishment, that's when I received a  
11 notification a violation. And I can't remember  
12 correctly that even if -- if the gentleman was  
13 there, I would've waited for them. But he wasn't  
14 there during the time I visited.

15 CHAIRPERSON ANDERSON: You -- he's the  
16 only one I can ask questions.

17 BY MR. KETTUTAT:

18 Q Okay. She had a question. Have you seen  
19 a big, fat guy on that day? He's a guy. And like  
20 before you leave, like maybe around ten minutes.

21 A I will never sing a gentleman downstairs,  
22 but that was after the fact. I was getting towards



1 the end. He wasn't inside the establishment when I  
2 requested an ABC manager or owner. So that's where  
3 the violation comes in.

4 Q Yeah. And she says --

5 A He came in after the fact, from my  
6 knowledge. But he wasn't there for much of manager  
7 told me when I first asked for them that I wasn't  
8 told that -- I was told there wasn't nobody there.

9 Q Then how many minutes did you wait for him  
10 that they?

11 A It probably took me a total of about 15  
12 minutes.

13 Q Fifteen minutes? Okay.

14 MR. KETTUTAT: I figure it out.

15 CHAIRPERSON ANDERSON: All right. Do we  
16 have any questions by the Board Members?

17 MS. HOBSON: I do.

18 CHAIRPERSON ANDERSON: Ms. Hobson?

19 MS. HOBSON: So where you --

20 CHAIRPERSON ANDERSON: No, no. You're  
21 asking -- you have to ask --

22 MS. HOBSON: Oh.

1                   CHAIRPERSON ANDERSON:  -- The  
2   investigator.

3                   MS. HOBSON:  Okay.

4                   CHAIRPERSON ANDERSON:  So if not, you can  
5   wait until he -- they testify.

6                   MS. HOBSON:  Well, I have a question for  
7   the witness.

8                   CHAIRPERSON ANDERSON:  All right.  Sure.

9                   MS. HOBSON:  So when you would in, you  
10   specifically asked for the ABC manager.  And what  
11   was the response?

12                  THE WITNESS:  When I asked for the ABC  
13   manager or owner, my response was that there wasn't  
14   one present at the establishment at the time.

15                  MS. HOBSON:  Okay.  Which the way it was  
16   phrased made it seem like the person was knots  
17   anywhere near the building.

18                  THE WITNESS:  That's exactly correct.

19                  MS. HOBSON:  Okay.  That was your  
20   impression.  Okay.  That's all I have.

21                  CHAIRPERSON ANDERSON:  Mr. Short?

22                  MR. SHORT:  Investigator Gilliam, how are

1 you today?

2 THE WITNESS: I'm good. Thank you. How  
3 are you doing?

4 MR. SHORT: How long have you been with  
5 ABRA?

6 THE WITNESS: Since July 27, 2015.

7 MR. SHORT: Okay. And when you first came  
8 on, you are then trained on how to do investigations  
9 and inspections?

10 THE WITNESS: Yes, sir. That's correct.

11 MR. SHORT: So on the day of this  
12 violation, did you follow the same procedures that  
13 you normally follow?

14 THE WITNESS: Yes, I did.

15 MR. SHORT: And the ABC manager was not  
16 there the whole time you were there?

17 THE WITNESS: To think back, I'm trying to  
18 remember. I did talk to gentleman, but I can't  
19 recall. I can't recall if he was an ABC manager.  
20 And he came -- he wasn't there when I first entered  
21 the establishment because I remember going  
22 downstairs, now that I'm taking about it. I went

1 downstairs of the establishment. And I remember  
2 talking to a gentleman. But he wasn't there when I  
3 first initially asked for the ABC manager.

4 MR. SHORT: All right. Now, did anyone  
5 there ever, the whole time you were there for the  
6 inspection, identify themselves or show you an  
7 identification revealing an ABC manager licensed by  
8 the District of Columbia?

9 THE WITNESS: No, sir, they did not.

10 MR. SHORT: That's all I have, Mr. Chair.  
11 Thank you.

12 CHAIRPERSON ANDERSON: All right.  
13 Mr. Silverstein.

14 MR. SILVERSTEIN: Just to reiterate, let's  
15 do the tick-tock. You walked in at about what time?

16 THE WITNESS: Eight fifteen.

17 MR. SILVERSTEIN: Eight fifteen. You  
18 asked if you can see the owner or an ABC manager and  
19 the owner said.

20 THE WITNESS: That's correct.

21 MR. SILVERSTEIN: And you were told?

22 THE WITNESS: That there wasn't one of the

1 establishment.

2 MR. SILVERSTEIN: And then you went to  
3 continue --

4 THE WITNESS: I began my inspection.

5 MR. SILVERSTEIN: -- regulatory  
6 inspection?

7 THE WITNESS: Yes. After that, I  
8 explained to -- I can't pronounce the name, I'm  
9 sorry -- but I told her I was going to do a  
10 regulatory inspection. She agreed to sit through  
11 the regulatory inspection. So during that time,  
12 that's when I validated the ABC license, you know,  
13 go to the inspection process of checking the CFO and  
14 things like that.

15 MR. SILVERSTEIN: Where were you, and how  
16 much later in time when this person who may have  
17 been the agency manager, that his presence became  
18 don't you?

19 THE WITNESS: I was located towards the  
20 front of the establishment because that's when the  
21 license was posted. So that's like -- I was right  
22 beside the front door. And I was doing my

1 inspection, you know, asking, you know, certain  
2 questions that we ask. And I can honestly recall --  
3 to be honest, recalling the situation, I believe the  
4 gentleman came in when I was finishing my  
5 inspection. But he was -- when I say that, he was  
6 coming inside the establishment to the back of the  
7 kitchen.

8 MR. SILVERSTEIN: So he may have come from  
9 the back door or --

10 THE WITNESS: Yeah.

11 MR. SILVERSTEIN: -- or may have come  
12 through the front door.

13 THE WITNESS: When I say he came -- he was  
14 an in the establishment when I was in there.

15 MR. SILVERSTEIN: But he was not -- but  
16 yes, he was not there, and his presence was finally  
17 made known to you 15 minutes later.

18 THE WITNESS: I was in my inspection, yes  
19 sir.

20 MR. SILVERSTEIN: No further questions.  
21 Thank you, Investigator.

22 CHAIRPERSON ANDERSON: Do you have any

1 questions of the investigator based on the questions  
2 that were asked of the Board Members?

3 MR. KETTUTAT: No, I don't.

4 CHAIRPERSON ANDERSON: No? Ms. Gephardt,  
5 do you have any questions of the investigator?

6 MS. GEPHARDT: I just wanted to make sure  
7 I understand. So the gentleman walked in at the  
8 end. Did you ask him if he was an agency manager?

9 THE WITNESS: No. I wouldn't have because  
10 at that time, my inspection was over. So the  
11 violation had already occurred.

12 MS. GEPHARDT: Okay. So he never  
13 presented to you and ABC manager card.

14 THE WITNESS: No, ma'am.

15 MS. GEPHARDT: Okay.

16 THE WITNESS: And if I remember correctly,  
17 when I actually served the citation to the owner, I  
18 remember him telling me why couldn't wait for the --  
19 and that's what I'm trying to make sure I'm being  
20 100 percent completely clear because I'm pretty much  
21 of the impression why -- I thought he asked me why I  
22 didn't wait for him to come.

1 MS. GEPHARDT: Okay. I'm sorry. So say  
2 it again. I'm sorry.

3 THE WITNESS: It's just I'm trying to  
4 establish what I'm trying to -- when my testimony  
5 is. When I issued the citation on 25 May, and I  
6 talked to the owner and explain the violation, I  
7 remember him making the comment why I didn't want to  
8 wait for him. So that right there proves that it  
9 was in the agency manager or owner inside the  
10 establishment during my visit.

11 MS. GEPHARDT: Why didn't you wait for  
12 this other guy who came in at Imm on H.

13 THE WITNESS: No, why didn't wait for him,  
14 the actual owner.

15 MS. GEPHARDT: Oh, oh, oh, oh, oh. Got  
16 it.

17 That's all I have.

18 CHAIRPERSON ANDERSON: Thank you for your  
19 testimony, sir. You can step down.

20 Does the Government have any other  
21 witnesses?

22 MS. GEPHARDT: No.



1 CHAIRPERSON ANDERSON: Does the Government  
2 rest?

3 MS. GEPHARDT: The Government rests.  
4 Thank you.

5 CHAIRPERSON ANDERSON: All right. Do you  
6 wish to make an opening statement?

7 MR. KETTUTAT: No.

8 CHAIRPERSON ANDERSON: All right. Tell me  
9 how you going to present your -- so are you doing  
10 just a statement, you going to call witnesses, how  
11 are you -- tell me how you plan to --

12 MR. KETTUTAT: I don't have any witness.  
13 But I tried to tell her story and my story like what  
14 happened, what's going on in that they.

15 CHAIRPERSON ANDERSON: All right. Let me  
16 -- can you raise your right hand? Who's going to  
17 speak?

18 MR. KETTUTAT: She can't speak English  
19 well.

20 CHAIRPERSON ANDERSON: I'm sorry, you said  
21 what?

22 MR. KETTUTAT: She cannot speak English

1 well.

2 CHAIRPERSON ANDERSON: Okay. All right.  
3 The reason I'm smiling -- and I apologize -- is  
4 because earlier she wanted to speak and I told her -  
5 - and I told you that she couldn't speak, only you  
6 can speak. And so now when you're telling me that  
7 she can't speak English, that's why I was smiling.  
8 So I apologize.

9 MR. KETTUTAT: She can speak, but  
10 sometimes she gets really uncomfortable when she  
11 talks.

12 CHAIRPERSON ANDERSON: All right. Raise  
13 your right hand, please.

14 Whereupon,

15 NUTTAKORN KETTUTAT  
16 called as a witness, having been duly sworn, was  
17 examined and testified as follows:

18 CHAIRPERSON ANDERSON: All right. Go  
19 ahead, sir.

20 MR. KETTUTAT: Okay. Like the officer  
21 said, he came in at like 8:15, and she asked for the  
22 agency manager license and owner. But like I said,

1 she not understand English well. That's why I say I  
2 figured out what happened.

3 I'm the owner, and I was the whole time,  
4 but I work on second floor. And no one asking for  
5 me for anything. After he gone, I come down to  
6 second -- to the third floor and I asked what  
7 happened, what's going on. But she got mad.

8 And she say the agency manager -- I mean,  
9 not agency. I'm sorry. The officer was there on  
10 that day and tried to do everything in (inaudible),  
11 like asked for the paper. And she said let me go  
12 find it. And she said -- he said you don't know  
13 where the paper at, and something like quick -- you  
14 know, like she tried to do everything fast. Like,  
15 he say he do everything in 15 minute.

16 And everybody -- yeah, and that day -- I  
17 mean, that night, it's kind of -- you know, 8:15 is  
18 kind of busy day, you know, like dinner time. And  
19 what I feel is she (inaudible) understand and he  
20 tried to do his work so quick and I was on second  
21 floor. Nobody ask for me, and my manager was  
22 backside moving the car because D.C. parking is

1 really terrible. And that's what the whole thing is  
2 misunderstand.

3 Yeah. And the manager come at the end and  
4 asked him and showed him the license, but he  
5 wouldn't want to see it. He wanted to leave.

6 The manager, my manager and him met --  
7 that they were asking him, the big, fat guy on that  
8 day, and he said he met.

9 CHAIRPERSON ANDERSON: Do you have  
10 anything else you want to say?

11 MR. KETTUTAT: No, sir.

12 CHAIRPERSON ANDERSON: Do you have any  
13 questions, Ms. Gephardt, on that?

14 MS. GEPHARDT: Sure.

15 CROSS-EXAMINATION.

16 BY MS. GEPHARDT:

17 Q So would you agree that with this  
18 statement that the investigator came into your  
19 establishment, met with -- I'm sorry, I can't  
20 remember your name.

21 A Khajornpat Srisuta.

22 Q Okay. Thank you. Met with her and asked

1 for an ABC manager or owner. Is that true?

2 MS. SRISUTA: Yes.

3 CHAIRPERSON ANDERSON: No, he has to  
4 answer it. Not you.

5 BY MS. GEPHARDT:

6 Q I mean, is that your understanding that  
7 that's what happened? He walked in and asked that  
8 question.

9 A Yeah.

10 Q Okay. And her answer was what?

11 A She understand only manager, not the owner  
12 because she doesn't know that the owner owning the  
13 license, too.

14 Q Okay. Do you have anyone at that  
15 restaurant that speaks English?

16 A I mean, we all speak English but not like  
17 really well, like -- you know, like American people  
18 talking.

19 Q Okay. But do you know -- you don't have  
20 anybody that could actually translate or ask what  
21 this investigator wants?

22 A Actually, we understand what they're

1 talking about on that day.

2 Q Okay.

3 MS. SRISUTA: I understand. Not  
4 everything, and I'm like -- I'm sorry.

5 CHAIRPERSON ANDERSON: Well --

6 MS. GEPHARDT: No, that's okay. So you  
7 didn't understand everything, okay. But you did  
8 understand, right?

9 MS. SRISUTA: Yeah.

10 BY MS. GEPHARDT:

11 Q And so you don't recall anybody coming up  
12 to get you? You say you were on the second floor.  
13 You don't recall anyone to come and get you?

14 A Nobody.

15 Q Okay. Let's see. The -- and is it true  
16 that when the investigator came back to issue the  
17 citation that you said to the investigator why  
18 didn't you just wait for me?

19 A Yes.

20 Q Okay. So okay. All right.

21 MS. GEPHARDT: That's all I have.

22 CHAIRPERSON ANDERSON: Other questions,

1 Ms. Hobson? You can ask a question.

2 MS. HOBSON: So I guess what I need  
3 clarification on is if the investigator came in,  
4 asked for the ABC manager -- and are you saying that  
5 she wasn't clear that as the owner you also are an  
6 ABC manager? Is that what you're saying?

7 MR. KETTUTAT: Yes.

8 MS. HOBSON: So she kind of misunderstood  
9 that?

10 MR. KETTUTAT: Yes. She tried to get the  
11 manager, not the owner.

12 MS. HOBSON: Okay. Okay. So she just  
13 sort of heard manager.

14 MR. KETTUTAT: Manager because, you know,  
15 the way people ask, ABC manager license.

16 MS. HOBSON: Right.

17 MR. KETTUTAT: Not the owner. That what  
18 she mean.

19 MS. HOBSON: And how many -- who all has a  
20 license at your site?

21 MR. KETTUTAT: Right now, I have five  
22 people now.

1 MS. HOBSON: Okay.

2 MR. KETTUTAT: Mm-hmm.

3 MS. HOBSON: And on that day --

4 MR. KETTUTAT: On that day, two, and she  
5 on the first floor.

6 MS. HOBSON: Okay. So on that day, you  
7 and another person --

8 MR. KETTUTAT: Yes.

9 MS. HOBSON: -- were there who had ABC  
10 manager --

11 MR. KETTUTAT: Yes.

12 MS. HOBSON: -- license. Okay. Okay.

13 And so what was the -- what was sort of  
14 the follow up after the exchange?

15 Like, so when the investigator asked for  
16 the manager or the person who has the license, what  
17 was her response?

18 MR. KETTUTAT: What she did -- she tried  
19 to look for the paperwork that he asking for.

20 MS. HOBSON: Okay.

21 MR. KETTUTAT: And he be like hurry up,  
22 everything. And you know, she got confused to find



1 the paper because she doesn't know what the paper  
2 went -- where I keep it. You know, normally I keep  
3 it like under the cabinet on the third floor and  
4 there's a bunch of paper thing.

5 MS. HOBSON: Okay.

6 MR. KETTUTAT: And he keep being like  
7 where's the manager, where's the manager. And she  
8 say can you wait a little bit. And he said he  
9 wouldn't wait. He said everything is -- that's it.

10 MS. HOBSON: But and you were there the  
11 whole time?

12 MR. KETTUTAT: I was on second floor.

13 MS. HOBSON: On the second floor.

14 MR. KETTUTAT: And I didn't know anything  
15 after he left. And I came to the first floor and  
16 she talked to me and explained to me what happened.

17 MS. HOBSON: Okay. Okay. That's all I  
18 have.

19 CHAIRPERSON ANDERSON: Well, I just want  
20 to ask a question. You know, if she didn't know  
21 where the paperwork -- and if it's your paperwork,  
22 why didn't she come to get you to get the paper to

1 ask you to.

2 If -- okay. I understand that you said,  
3 okay, they said ABC manager. I know there's some  
4 English, but you can't speak to him. When I ask you  
5 questions, you can't say anything to him. All  
6 right.

7 So I know that Ms. Gephardt is not --  
8 hasn't complained. But and but I understand. I  
9 know there's some language. But however, when the  
10 questions are being asked, because he's under cross-  
11 examination, so you can't talk to them. And he  
12 can't talk to you.

13 He's the only one that has to answer the  
14 questions, and that's one of the reasons while he  
15 was presenting his case I gave him an opportunity to  
16 say he can talk to you and consult with you and that  
17 you can tell him anything.

18 But at this juncture, he's the only one  
19 that can speak, okay?

20 MS. SRISUTA: Mm-hmm.

21 CHAIRPERSON ANDERSON: All right. All  
22 right.

1           So if he come -- what I'm hearing your  
2   statement is that there was some language barrier  
3   when he came in and asked for an ABC manager. And  
4   you were there.

5           And you also stated that -- a statement  
6   that he -- that she didn't know where all the  
7   paperwork was. So if she knew that you were in the  
8   building upstairs, why didn't she come upstairs and  
9   ask you where the paperwork was?

10          MR. KETTUTAT: Because she's my wife and  
11   she's the one that know all the paper. But she  
12   doesn't understand which paper is. You know, she  
13   keep all the document, everything, for my business.

14          CHAIRPERSON ANDERSON: But if she doesn't  
15   understand, if somebody's rushing her, and she knows  
16   that you are there --

17          MR. KETTUTAT: Mm-hmm.

18          CHAIRPERSON ANDERSON: -- and if she  
19   doesn't understand, why doesn't she say -- why  
20   didn't she say, well, hold on a minute, let me go  
21   and get my husband who's upstairs, although he's not  
22   the ABC manager but he knows where the paperwork is?

1 That's what I can't -- even if -- so even if there's  
2 a confusion about that she doesn't know the ABC  
3 manager and the owner mean the same thing, if she  
4 don't know where the paperwork is and if she's  
5 getting confused, then just say to the investigator  
6 -- why didn't she say to the investigator let me go  
7 find my husband, he knows where the paperwork is so  
8 I can get -- why did she not do that?

9 MR. KETTUTAT: She said he wouldn't give  
10 her the time.

11 CHAIRPERSON ANDERSON: Yeah, but it's --  
12 but I mean, if she's confused, she don't want to pay  
13 for it. She said, let me go get my husband. I  
14 don't understand what you're saying, the ABC manager  
15 is not here, but my husband can answer your  
16 questions since I don't know -- I'm getting  
17 confused, I don't know where the stuff is. So  
18 that's all -- I'm just trying to find out why didn't  
19 she just say this to the investigator. That's all.

20 Ma'am, please don't do that.

21 Yes, sir. I'm asking you.

22 MR. KETTUTAT: Yeah. For the paper, like

1 I say, she the one that keep all the paper, all the  
2 document. Even she come to ask -- to me, I would  
3 say everything is in the cabinet.

4 CHAIRPERSON ANDERSON: All right.

5 MR. KETTUTAT: That's to answer the first  
6 one. And second one, if she could (inaudible) for  
7 the paper, but I thought she can read the topping  
8 (ph) for the paper, and you know, what he asking  
9 for.

10 CHAIRPERSON ANDERSON: All right. Let me  
11 ask you another question, sir. So you said that  
12 when the investigator came back, you asked him why  
13 did he not wait.

14 MR. KETTUTAT: Mm-hmm.

15 CHAIRPERSON ANDERSON: What do you mean by  
16 that? Why --

17 MR. KETTUTAT: Because I was on second  
18 floor.

19 CHAIRPERSON ANDERSON: I'm sorry?

20 MR. KETTUTAT: I was on second floor in  
21 the office.

22 CHAIRPERSON ANDERSON: But I'm just saying

1 -- but you said what was he waiting -- what should  
2 he have waited for? You said why did he not wait.  
3 Wait for what?

4 MR. KETTUTAT: Wait for me, like, ask  
5 anybody to get the owner. That's my question for  
6 him that day.

7 CHAIRPERSON ANDERSON: But -- okay. But  
8 he spoke to your wife. And your wife knows that you  
9 are the owner. So if the investigator came in, how  
10 is the investigator -- how does the investigator  
11 know that this is your wife? He don't know that.

12 MR. KETTUTAT: Yeah. I'm saying --

13 CHAIRPERSON ANDERSON: So --

14 MR. KETTUTAT: That time is first time for  
15 her. And she doesn't know that they can get the  
16 owner, too. Normally when -- you know, another time  
17 before he come, I always on the first floor, and I'm  
18 the one that talked to the officer all the time.

19 CHAIRPERSON ANDERSON: All right. All  
20 right. I looked at your investigative history, and  
21 in December 4, 2015, you have gotten a citation for  
22 having no ABC manager on duty. On May 12, 2016, you

1 also had a violation for no ABC manager on duty. So  
2 this is at least the third time that we have cited  
3 you for this violation.

4 So tell me why I should believe -- based  
5 on your history -- why should I believe that what  
6 the investigator said is not true, that clearly they  
7 came, they asked for the ABC manager or owner, one  
8 was not there. So what's -- tell me, based on your  
9 history, why should I believe you this time?

10 MR. KETTUTAT: I didn't mean he didn't  
11 tell the truth. But what I believe is everything is  
12 a misunderstanding for the whole story.

13 CHAIRPERSON ANDERSON: Do you have any  
14 questions? Go ahead, Mr. Short.

15 MR. SHORT: Good afternoon, sir.

16 MR. KETTUTAT: Hi.

17 MR. SHORT: Are you familiar with the ABRA  
18 laws?

19 MR. KETTUTAT: Yeah, but I haven't read  
20 the whole thing.

21 MR. SHORT: Okay. Are you familiar -- do  
22 you drive a car?

1           MR. KETTUTAT: Yeah, I drive a car.

2           MR. SHORT: Are you familiar with all the  
3 laws and rules of driving a car in the District of  
4 Columbia?

5           MR. KETTUTAT: Yes, sir.

6           MR. SHORT: How is that? Have you read  
7 all -- have you read the book on all of that?

8           MR. KETTUTAT: I really don't read the  
9 whole thing. That's --

10          MR. SHORT: Okay. Not a problem. I would  
11 suggest strongly that you get a copy.

12          MR. KETTUTAT: Mm-hmm.

13          MR. SHORT: If this is your third time  
14 without an ABC, third time being cited by this  
15 agency for not having that, it seems as though you  
16 would know that the ABC manager or owner has to be  
17 on premises and has to be produced when an  
18 investigator comes to your establishment. Do you  
19 know that?

20          MR. KETTUTAT: Yes.

21          MR. SHORT: So on that particular day, you  
22 were not where he could reach you. Is that correct?



1 MR. KETTUTAT: Yes.

2 MR. SHORT: And so what's your defense of  
3 that?

4 MR. KETTUTAT: What can I say?

5 CHAIRPERSON ANDERSON: Ma'am, I can hear  
6 you from here.

7 MS. SRISUTA: Can I speak something?

8 CHAIRPERSON ANDERSON: No. He's on a  
9 cross-examination, and so you can't speak now. He  
10 had his opportunity. He lost that. That's one of  
11 the reasons why when an investigator was up there I  
12 gave you an opportunity for you to talk. But once  
13 he is testifying, you can't say it. He has to say  
14 whatever he has to say.

15 You can have -- now, if -- I can at the  
16 end of the case, if you want to call -- we could --  
17 if -- you could have an opportunity to call her to  
18 rebut testimony, so I'll give you that opportunity  
19 that if there's something that she needs to say that  
20 you want to call her to rebut direct testimony, then  
21 I'll give you that opportunity. But right now, you  
22 can't say nothing. He's the only one that can speak

1    when questions are being asked, okay?

2                   But if that's an issue -- but the problem  
3    that I'm going to have with that, does she  
4    understand English enough to speak, or will you have  
5    to translate for her?

6                   MR. KETTUTAT:  She can speak, but not  
7    well.

8                   CHAIRPERSON ANDERSON:  All right.  Because  
9    I don't want us to be like, well, but that's -- this  
10   -- that's not going to pass because you're the only  
11   one that -- anyway.  But all right.  I just want to  
12   make sure that we don't -- I don't -- we don't fall  
13   in a little trap moving forward.  But anyway.

14                  MR. SHORT:  I want to finish up with this.

15                  CHAIRPERSON ANDERSON:  Yeah, go ahead, Mr.  
16   Short.

17                  MR. SHORT:  Yeah.  Okay.  Now, I suggest  
18   strongly you get a copy of the rules.

19                  MR. KETTUTAT:  Yes, sir.

20                  MR. SHORT:  You say you have a D.C.  
21   driver's license or --

22                  MR. KETTUTAT:  No, no, no.  I have

1 Washington.

2 MR. SHORT: You have a driver's license?

3 MR. KETTUTAT: Yeah.

4 MR. SHORT: If you leave home and don't

5 have your wallet with you and your driver's license

6 and a police officer pulls you over, is he going to

7 give you time for someone to come and bring your

8 license to you, or is he going to issue a ticket?

9 MR. KETTUTAT: Issue the ticket.

10 MR. SHORT: And so this is your third time

11 being cited for not having ABC person when the

12 investigator comes by, correct?

13 MR. KETTUTAT: Third time? I think only

14 first time.

15 MR. SHORT: At least your second time. Do

16 you ever remember being charged with the same

17 charged you're charged here today with?

18 MR. KETTUTAT: I know only this one.

19 MR. SHORT: You don't remember.

20 MR. KETTUTAT: No.

21 MR. SHORT: That's all I have. Thank you,

22 Mr. Chair. Thank you very much.

1                   CHAIRPERSON ANDERSON: Any other questions  
2 by any of the Board Members?

3                   Ms. Gephardt, do you have any questions  
4 that you --

5                   MS. GEPHARDT: No, I do not.

6                   CHAIRPERSON ANDERSON: All right.

7                   MS. HOBSON: Actually, I do have a  
8 question.

9                   CHAIRPERSON ANDERSON: Yes, go ahead.

10                  MS. HOBSON: So it seems that your defense  
11 is that it's just one big misunderstanding after  
12 another. Do you guys -- have y'all put anything in  
13 place to ensure that this doesn't happen again?

14                  MR. KETTUTAT: Yes.

15                  MS. HOBSON: Do you -- so --

16                  MR. KETTUTAT: I try -- right now I do two  
17 manager on the floor at the same time --

18                  MS. HOBSON: Okay.

19                  MR. KETTUTAT: -- whole time. And also,  
20 if somebody come to ask me, like, for the legal  
21 license ever, call me as soon as possible.

22                  MS. HOBSON: When you're on premise?

1 MR. KETTUTAT: No, when I'm in the office.

2 MS. HOBSON: Right. Just call you. Don't

3 --

4 MR. KETTUTAT: Yes.

5 MS. HOBSON: Because it just seems like  
6 there just was like one big mix-up after another or  
7 just a lack of understanding. And I know that you  
8 guys get busy, but like you got to have some systems  
9 in place. Okay.

10 MR. KETTUTAT: Yes. We figured it out  
11 already. We try to plan everything like better now.

12 MS. HOBSON: Okay.

13 MR. KETTUTAT: Even I put my mom in the  
14 restaurant also and she the one who hold license  
15 also.

16 MS. HOBSON: Okay.

17 CHAIRPERSON ANDERSON: Do you want to call  
18 your wife as a witness?

19 MR. KETTUTAT: Yes.

20 CHAIRPERSON ANDERSON: Can you raise your  
21 right hand, please. Do you swear or affirm to tell  
22 the truth and nothing but the truth?

1 MS. SRISUTA: Yes.

2 CHAIRPERSON ANDERSON: The purpose of this  
3 witness that it's called rebuttal witness. So she  
4 should be giving testimony to rebut what you just  
5 heard. So I don't want to hear any -- so I'm not  
6 giving you an opportunity to bring in new evidence.  
7 You have now heard what has happened. What is it  
8 that she has, testimony that she's going to give  
9 that's going to rebut the testimony that was just  
10 given. So you can ask her a question regarding  
11 that, sir.

12 You can put your hand down now. You can  
13 ask her a question.

14 MR. KETTUTAT: Okay. My manager guy, the  
15 big fat one that day met the officer on that day?

16 MS. SRISUTA: Yes. He came after he moved  
17 the car. And he asked the officer, like, if you can  
18 wait just a moment. He said I can't wait; I need to  
19 see him right now. But he just in the back, at the  
20 back.

21 And in 15 minutes, they met. And the  
22 manager, he showed the license to him, but he said

1 no, it's time out, I have to go. And I'm sorry that  
2 I don't understand about the owner because I'm the  
3 new one. We are new in DC. I just like, freak out.  
4 Like, freak out about the ABC manager license and a  
5 whole bunch of the documents. And I'm busy at that  
6 time.

7 CHAIRPERSON ANDERSON: Is that it?

8 MR. KETTUTAT: And the officer, he never  
9 asked for the owner? Like, can you get the owner or  
10 anybody in charge?

11 MS. SRISUTA: At that time, I thought just  
12 like ABC manager. I tried to call and go back to  
13 see the manager, ABC manager. And he just like,  
14 okay, just wait five minutes.

15 CHAIRPERSON ANDERSON: All right.  
16 Anything else?

17 MR. KETTUTAT: That's all.

18 CHAIRPERSON ANDERSON: Ms. Gephardt?

19 MS. GEPHARDT: So you're saying that, your  
20 testimony is that when the investigator showed up  
21 and asked for the ABC manager/owner, you were trying  
22 to find an ABC manager. That was the first thing

1     that you thought of?

2                   MS. SRISUTA:   Yes.   And he asked for the  
3     documents as well.

4                   MS. GEPHARDT:   Okay.

5                   MS. SRISUTA:   I do at the same time.  
6     Like, call ABC manager and I go back and I say okay,  
7     I go back to do the restaurant and I need to go the  
8     kitchen to find him because everybody do some duty  
9     at that time.   And he said okay, just give me the  
10    document, this one and that one and this one.   I  
11    tried to do everything at the same time.   I didn't  
12    think about the owner.

13                  MS. GEPHARDT:   Were you on the phone with  
14    the ABC manager who was outside?

15                  MS. SRISUTA:   No, no, no.   I mean, I  
16    called the ABC manager.

17                  MS. GEPHARDT:   Okay.

18                  MS. SRISUTA:   Yes, yes.   I called him.

19                  MS. GEPHARDT:   You called outside.   He was  
20    outside?

21                  MS. SRISUTA:   Yes.   He was outside at the  
22    back.



1                   MS. GEPHARDT: So in the 15 minutes that  
2 the investigator was there, at no time did he enter  
3 the facility? It was only until 15 minutes later  
4 that he came in; is that correct?

5                   MS. SRISUTA: Yes. And they met each  
6 other.

7                   MS. GEPHARDT: Okay.

8                   MS. SRISUTA: And my manager showed him  
9 the ABC manager license at that day.

10                  MS. GEPHARDT: Okay. Let's see.

11                  MS. SRISUTA: And you know --

12                  MS. GEPHARDT: And you said it was 15  
13 minutes until an ABC manager came on site?

14                  MS. SRISUTA: About 10, 15 minutes, yeah.

15                  MS. GEPHARDT: So for 15 minutes, there  
16 was nobody there, basically, other than your  
17 husband, but nobody retrieved your husband; is that  
18 correct?

19                  MS. SRISUTA: Yes.

20                  MS. GEPHARDT: Okay. That's all I have.

21                  CHAIRPERSON ANDERSON: Anything else by  
22 the Board Members?

1 (No response.)

2 CHAIRPERSON ANDERSON: All right. So  
3 you're saying the investigator was there for  
4 approximately 15 minutes, but the ABC manager was  
5 not on the premises. He was around back moving the  
6 car?

7 MS. SRISUTA: Yes.

8 CHAIRPERSON ANDERSON: So where was the  
9 car parked?

10 MS. SRISUTA: It's like the restaurant  
11 back door and we can't park at the front -- I mean,  
12 at the door. We can park just a little bit and they  
13 will come and give you tickets. He have to move  
14 back and forth, like this or maybe in the car  
15 because they will get tickets.

16 At that time, the police come and he try  
17 to like, move forward and backward or something like  
18 that. I don't know what he do, but it's like that.

19 CHAIRPERSON ANDERSON: So he was in his  
20 car outside the restaurant?

21 MS. SRISUTA: Yes.

22 CHAIRPERSON ANDERSON: All right.

1 MS. SRISUTA: At that time, not all the  
2 time. Sometimes.

3 CHAIRPERSON ANDERSON: And it's correct  
4 that he was missing from the establishment for about  
5 10 minutes; is that correct?

6 MS. SRISUTA: Just at the back door.

7 CHAIRPERSON ANDERSON: But he was outside  
8 of the confines of the restaurant; is that correct?

9 MS. SRISUTA: Mm-hmm. Yes.

10 CHAIRPERSON ANDERSON: And it's also  
11 correct that you did not tell the investigator that  
12 your husband was on the premises; is that correct?

13 MS. SRISUTA: I didn't tell because I  
14 don't know like, they need see my husband. Because  
15 I tried to call the person that I need to bring him  
16 to the officer.

17 Actually, sometimes when they come, it's  
18 not this time -- let me explain something.  
19 Sometimes when the officer comes, right now I have  
20 the ABC manager license already and sometimes I'm  
21 busy in the kitchen.

22 The server ask for me because somebody

1    come. I said okay, I'm busy a little bit. Please  
2    wait just a moment. Because I can't leave the thing  
3    that I do in the kitchen, you know. Sometimes I  
4    cook by myself. Sometimes. Or I do something in  
5    the kitchen and please wait just a moment.  
6    Something like that. That's why. And sometimes the  
7    officer can wait because I'm in there, but I can't  
8    go like, right away.

9                   CHAIRPERSON ANDERSON: I know. I know  
10   that you're telling the officer that now that you're  
11   an ABC manager there, it's like you're at the stove  
12   and the stuff is boiling so you'll come. But did  
13   you tell the investigator that the ABC manager was  
14   outside moving his car. Did you tell him that?

15                   MS. SRISUTA: I tell him that. I tell him  
16   after I called the ABC manager license because I  
17   can't find him in the dining. I called and he said  
18   okay, I'm in the kitchen. I go to the kitchen and  
19   he's just like, okay, move the car at that time.  
20   And I said okay, just come in. And I asked the  
21   officer, just wait like, five minutes because when  
22   we talk about that, it's around like, 10 15 minutes.

1           I believe he come before 15 minutes, but  
2 he can't wait. We talked about that a little bit  
3 more. And he said okay, just nobody there. I have  
4 to leave.

5           CHAIRPERSON ANDERSON: Now, do you think  
6 that 15 minutes was reasonable? Was that if he  
7 comes into the property and the person doesn't show  
8 for 15 minutes, do you think that's unreasonable?

9           MS. SRISUTA: I don't know how much time  
10 that he give us to do when it's 8:15, you know.  
11 It's not like 3:00 to 4:00 p.m. because the  
12 restaurant time is 5:00 until 10:00, and sometimes  
13 like, very busy. I don't have time to talk that  
14 much sometimes. But if it's not busy, we can talk  
15 to you like, fast. It's just you don't have to  
16 wait, but sometimes around that time, it's like 8:00  
17 or 9:00. It's very busy.

18          CHAIRPERSON ANDERSON: All right. Thank  
19 you.

20          MS. SRISUTA: I'm sorry. And we have  
21 like, it's true about parking a lot, you know.  
22 Right now we fix it. Everything. We try to pay for

1 the parking. We don't have to park like that  
2 anymore. We tried to fix it later because at first,  
3 we just came to DC. We don't that much about  
4 everything. And we got tickets, tickets, tickets.  
5 Something like that. But right now, we promise,  
6 everybody has license.

7 Everybody has parking.

8 MS. HOBSON: So you won't have to move the  
9 cars anymore.

10 MS. SRISUTA: We don't have to move the  
11 cars right now.

12 MS. HOBSON: That's not going to be a  
13 problem. So that's part of you plan.

14 MS. SRISUTA: Yes. Because it's happened  
15 and we have problem about the ABRA. We don't want  
16 to have any problem. Everybody has license right  
17 now.

18 CHAIRPERSON ANDERSON: All right. Thank  
19 you. Ms. Gephardt, do you have any questions based  
20 on the question asked?

21 MS. GEPHARDT: No, I don't.

22 CHAIRPERSON ANDERSON: Do you rest? Is

1    this your case? Is this your explanation, sir?

2               MR. KETTUTAT: Yes.

3               CHAIRPERSON ANDERSON: All right. Does  
4    the Government wish to make a closing statement?

5               MS. GEPHARDT: Yes, I would, briefly.

6               Board Members, the Government was charged  
7    today with proving that the establishment failed to  
8    produce a person or keep a licensed ABC manager on  
9    duty at all times in violation of DC Official Code  
10   25701, and so on and so forth. As you can see from  
11   the statute, the ABC manager can't be gone for 15  
12   minutes. An ABC manager can't be gone for really,  
13   any period of time. And even if an investigator  
14   were to give the establishment some leeway, in this  
15   case, this investigator, Investigator Gilliam gave  
16   them 15 minutes.

17              Furthermore, when Investigator Gilliam  
18   first arrived, at not time, when he asked for an ABC  
19   manager, she said no, there's no ABC manager on  
20   site. And at no time did she go and retrieve her  
21   husband. She says there was a misunderstanding, but  
22   again, I mean, if you have someone from the Alcohol

1 and Beverage Administration come in your  
2 establishment, I would think it would be important  
3 to get somebody who can access records, who can talk  
4 to the investigator. So I don't know if that really  
5 flies.

6 And again, 15 minutes was plenty of time  
7 for them to produce an ABC manager. And if an ABC  
8 manager can't be produced in 15 minutes, that person  
9 is nowhere near the establishment. So I guess I  
10 would say that the Government has proven, by a  
11 preponderance of the evidence that this  
12 establishment did not have a licensed ABC manager on  
13 site at the time that investigator showed up. And  
14 although there was owner, that person never came  
15 down. And the investigator had no way of knowing  
16 that he was there.

17 Thank you.

18 CHAIRPERSON ANDERSON: And what's the fine  
19 range that you want --

20 MS. GEPHARDT: Well, the fine range is,  
21 let's see, \$500 to \$1,000. And I would say going  
22 with a \$700 fine.



1                   CHAIRPERSON ANDERSON: What do you want us  
2 to do? Do you wish to make a closing, sir?

3                   MR. KETTUTAT: No. I don't have anything  
4 today.

5                   CHAIRPERSON ANDERSON: So what do you want  
6 us to do?

7                   MR. KETTUTAT: I just want to try to  
8 explain what happened. That's all.

9                   CHAIRPERSON ANDERSON: So what do you want  
10 us to do? You came to the Board, so what is it you  
11 want the Board to do?

12                  MR. KETTUTAT: Try to remove all the file.

13                  CHAIRPERSON ANDERSON: You're saying you  
14 don't want us to charge you?

15                  You want us to dismiss the case and not  
16 charge you anything? That's what you're asking for?

17                  MR. KETTUTAT: Yes, sir.

18                  CHAIRPERSON ANDERSON: All right. I  
19 should've asked you if you want to make a closing.  
20 Well, you say you don't have anything else to say.  
21 So basically, you're just asking us -- your view is  
22 that -- your case is that you own the property and

1 your wife didn't tell the investigator that you were  
2 on the property and that the ABC manager was outside  
3 moving the car. This is your version of the facts;  
4 is that correct?

5 MR. KETTUTAT: Yes, sir.

6 CHAIRPERSON ANDERSON: All right. So  
7 based on your presentation, then you're asking that  
8 the ABC Board not charge you with the violation; is  
9 that correct?

10 MR. KETTUTAT: Yes, sir.

11 CHAIRPERSON ANDERSON: All right. I need  
12 to always ask this, does the parties wish to file  
13 proposed findings of facts and conclusion of law  
14 waive their right to do that?

15 Meaning that do you want us to make a  
16 decision based on what was presented today?

17 MR. KETTUTAT: Yes, sir.

18 MS. GEPHARDT: We will waive our right. t  
19 Thank you.

20 CHAIRPERSON ANDERSON: All right. Thank  
21 you. As Chairperson of the Alcohol Beverage Control  
22 Board for the District of Columbia in accordance

1 with Section 405 of the Open Meetings Amendment Act  
2 of 2010, I move that ABC Board hold a closed meeting  
3 for the purpose of seeking legal advice from our  
4 counsel on Case No. 16-CMP-00496. I am on Imm on H,  
5 per section 4534 of the Open Meetings Amendment Act  
6 of 2010, and deliberating upon Case No. 16-CMP-  
7 00496, Imm on H for the reasons cited in Section  
8 405(b) 13 of the Open Meetings Amendment Act of 201.

9 Is there a second?

10 MR. SHORT: Second.

11 CHAIRPERSON ANDERSON: Mr. Short has  
12 seconded the vote. I will now take a roll call vote  
13 for the motion now that it has been seconded.

14 Ms. Hobson?

15 MS. HOBSON: I agree.

16 CHAIRPERSON ANDERSON: Mr. Silverstein?

17 MR. SILVERSTEIN: I agree.

18 CHAIRPERSON ANDERSON: Mr. Short?

19 MR. SHORT: I agree.

20 CHAIRPERSON ANDERSON: Mr. Anderson: I  
21 agree. It would appear that the motion has passed.  
22 I hereby give notice that the ABC Board will hold a

1 closed meeting in the ABC Board conference room,  
2 pursuant to the Open Meeting Amendment Act of 2010.

3 Thank you very much, sir, for being here  
4 today. We will -- the Board will deliberate and we  
5 will make a decision and you will hear shortly what  
6 decision that we make. Thank you very much.

7 MS. SRISUTA: Thank you.

8 (Whereupon, the above-entitled matter was  
9 concluded.

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